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Patent Application
Attorney Docket No. D/96176D1D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ram S. Narang et al.

Application No.: 10/036,469

Filed: January 7, 2002

Examiner: C. Hamilton

Art Unit: 1752

Confirmation No.: 6090

Title: **HIGH PERFORMANCE CURABLE POLYMERS AND
PROCESSES FOR THE PREPARATION THEREOF**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 3, 2003

(Date of deposit)

Cathy Whitney

(Name of applicant, assignee,
or Registered Representative)

(Signature)

October 3, 2003

Date of Signature

PETITION UNDER 37 C.F.R. §1.78(a)(3)

Applicants hereby petition for acceptance of an unintentionally delayed claim under 35 U.S.C. §§120 and 121 for the benefit of a prior-filed application.

1. Applicants mailed the instant application to the U.S. Patent and Trademark Office on January 4, 2002. This application was accompanied by a Utility Patent Transmittal, of which Paragraph 17 indicated that the application was a divisional of prior application No. 09/268,794, and of which Paragraph 29 indicated that priority is claimed from 09/268,794, filed 3/16/99. A copy of the Utility Patent Transmittal is attached hereto as Exhibit A.

2. At the time of said filing, Applicants were unaware that this Transmittal had inadvertently failed to mention that 09/268,794 was a divisional of prior application Ser. No. 08/705,372, filed August 29, 1996.

3. Upon receipt of the filing receipt for the instant application, Xerox Docketing Clerk Patricia Smith noted that said filing receipt failed to provide complete priority information for the instant application, and requested a corrected filing receipt in a letter dated February 13, 2002, a copy of which is attached hereto as Exhibit B.

4. A second request for a corrected filing receipt for the instant application was mailed by Xerox Docketing Clerk Patricia Smith on April 5, 2002, a copy of which is attached hereto as Exhibit C.

5. Two Official Actions were received and responded to by the Xerox Patent Attorney responsible for the instant application,

Judith L. Byorick, without said Attorney realizing that any errors had been made in attempting to claim priority for the instant application.

6. Xerox Patent Attorney Judith L. Byorick, was not aware of the error in the original Utility Patent Transmittal and was not aware of the attempts to obtain a corrected filing receipt until reviewing the instant application file on September 30, 2003 to prepare a response to an Official Action due October 3, 2003. This Official Action pointed out that a proper claim for priority had not been made. A copy of the first few pages of this Official Action referring to this problem are attached hereto as Exhibit D.

7. Upon becoming aware of the faulty attempts to claim priority in the instant application, Xerox Patent Attorney Judith L. Byorick immediately initiated preparation of the instant Petition.

8. Applicants are submitting concurrently herewith an Amendment to the present application to recite at the beginning of the specification the correct priority data.

9. Authorization is hereby granted to charge Deposit Account No. 24-0025 the fee set forth in 37 C.F.R. §1.17(f) for this petition of \$1,330. Authorization is also hereby granted to charge Deposit Account No. 24-0025 any other necessary fees associated with this petition.

10. In view of the above facts, Applicants hereby petition for acceptance of an unintentionally delayed claim under 35 U.S.C. §120 for a priority date for the instant application of August 29, 1996.

Respectfully submitted,



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JLB/cw
October 3, 2003
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